



Conservation | Appendix I: Native Americans

In FY2007, Congress appropriated \$10.2 million for NALEMP, of which 70 percent was provided directly to the tribes for mitigation costs through cooperative agreements (CAs) as shown in Figure I-2. This was the largest percentage of direct funding to the tribes under the program to date. The remaining NALEMP funds were used to:

- ▶ Develop field-level instructions for consistent implementation of DoD's American Indian and Alaska Native Policy
- ▶ Sponsor cultural communication courses for DoD personnel to assist them in effectively consulting with tribes
- ▶ Redesign and maintain the Native American Environmental Tracking System (NAETS)
- ▶ Conduct site assessments to validate reported DoD impacts to Indian lands; 622 eligibility determinations have been made to date.

Figure I-1 DoD NAGPRA Status

| | FY2004 | FY2005 | FY2006 | FY2007 |
|--|--------|--------|--------|--------|
| DoD Installations with Native American Sacred Sites | 68 | 59 | 48 | 46 |
| DoD installations where Access and Protection Procedures Are Needed | 48 | 20 | 21 | 19 |
| DoD Installations with Cultural Collections (as defined by NAGPRA) | 33 | 35 | 36 | 40 |

At the heart of DoD's relationship with tribes is its commitment to the Department's American Indian and Alaska Native Policy. DoD developed the policy, effective October 20, 1998, in close consultation with tribal governments. The policy acknowledges DoD's responsibilities to tribes, directs the Department to build stable and enduring relationships with tribes, establishes consultation to promote successful government-to-government dialogue, and requires DoD to recognize and respect the significance tribes attribute to natural and cultural resources.

The Components—Army, Navy, Marine Corps, Air Force, and DLA—rely on the American Indian and Alaska Native Policy for guidance on how to address tribal interests while ensuring the success of the Department's mission. The DoD Instruction (DoDI) 4710.02: "DoD Interactions with Federally-Recognized Tribes," which went into effect September 27, 2006, strengthened DoD's commitment to Native American entities at installations by clarifying the implementation requirements of the policy. Figure I-1 illustrates the status of DoD's commitment to the National American Graves Protection and Repatriation Act (NAGPRA).

Mitigating Environmental Impacts on Indian Lands

Environmental impacts from DoD's operational and training activities may remain on American Indian lands and Alaska Native Claims Settlement Act (ANCSA) conveyed properties. These impacts include hazardous materials, ordnance, old equipment, unsafe buildings, and debris. Since 1993, Congress has included a provision in the DoD Appropriations Act directing the Department to devote funds to gather, document, and mitigate environmental impacts on American Indian and Alaskan Native lands. In response to this Congressional mandate, DoD developed the Native American Lands Environmental Mitigation Program (NALEMP). Through NALEMP, DoD has identified approximately 893 potential impacts affecting more than 170 tribes.

Native American Environmental Tracking System

DoD continues to streamline NAETS, DoD's online database, which provides access to information on reported environmental impacts on Native American lands and resources resulting from DoD activities. NAETS provides a historical record of site assessment results, presents a forum to report new suspected impacts, and receives online comments about assessments and project status updates. To date, more than 600 eligibility determinations are tracked in NAETS. Additionally, the system supports program planning and funding decisions related to NALEMP. The database allows DoD, tribal representatives, and the public to access, report, and share information on DoD-related issues of concern and provides links for military and tribal communities on diverse topics of interest such as consultations, inadvertent discoveries, national conferences, and significant legal decisions for tribal lands.

DoD makes ongoing improvements to NAETS to enhance programmatic, security, and quality control capabilities. The database has been redesigned and reconfigured to stay current with the latest programming methodologies, security threats, and certifications such as the Department of Defense Information Assurance Certification and Accreditation Process (DIACAP) requirements. New features have been added to NAETS to aid its efficiency and accuracy. These features include statistics on reported potential impacts, NAETS user reports, and system property reports.

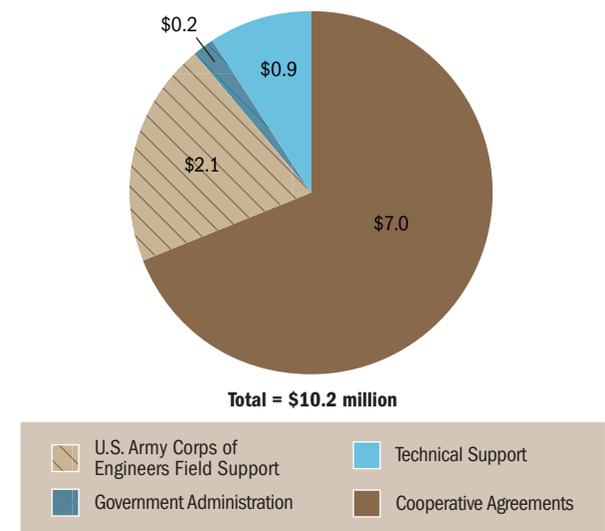
In FY2007, DoD began developing online capabilities for input of the CAs' Quarterly Reports, one of the reporting requirements for both the U.S. Army Corps of Engineers (USACE) and tribal partners. Affected user groups have provided input and engaged in testing of this new application. Full implementation is anticipated in 2008.

Cooperative Agreements

Under NALEMP, DoD uses CAs with tribal governments to address environmental problems attributable to past DoD activities. These agreements incorporate traditional ecological knowledge into remedial design, directly involve the tribe in project decision making, develop tribal capacity regarding environmental services, and allow DoD to assist tribes in acquiring technical remediation skills.

In FY2007, DoD entered into a total of 18 CAs, as illustrated in Figure I-3. Of those 18 CAs, 3 were with new tribes—the Native Village of Atka, the Kenaitze Indian Tribe, and the Chilkoot Indian Association—and 15 were with previously funded tribes to continue mitigation projects. Since its inception, DoD has executed over 134 new or continuing NALEMP CAs to partner with tribal governments in addressing environmental concerns. CAs are DoD's and the tribes' preferred method to undertake environmental cleanup, as they maximize the use of both federal and tribal resources to mitigate impacts.

Figure I-2 NALEMP Funding Allocation (millions)



DoD American Indian Cultural Communication Training Course

Effective communication and consultation is critical to working with American Indians and Alaska Natives. To facilitate greater understanding of tribal culture and federal policies for working with tribes, DoD offers a course that highlights the requirements of DoD's American Indian and Alaska Native Policy and other relevant laws. The course provides DoD military and civilian staff with a greater understanding of diverse tribal cultures and the communication requirements that are essential to successful consultations with tribes. The course includes information on:

- ▶ Tribal laws and the legal basis for DoD policy
- ▶ Federal laws and policies impacting DoD's relationships with tribes
- ▶ Tribal concepts and culture
- ▶ Inter-cultural communication
- ▶ Practical guidance for consulting with tribes.

In FY2007, approximately 109 participants from all five Components attended this course, held in three locations: Fort McDowell, Arizona; Tulsa, Oklahoma; and Southbridge, Massachusetts. Two half-day executive overview sessions were also held in Orlando, Florida. American Indian presenters and DoD legal staff served as instructors for the courses. Each three-day course included participation in cultural events with nearby tribes, presentations by tribal speakers, and field trips. The next event is scheduled for early FY2008 in Anchorage, Alaska.

Figure I-3 Cooperative Agreements with American Indian and Alaska Native Tribes



Highlights from FY2007

DoD and Native American tribes collaborated on a variety of projects in FY2007. The major efforts are described below.

NALEMP

In April 2007, the Lummi Nation hosted the NALEMP Annual Meeting. More than 30 tribal representatives and more than 25 federal and contractor personnel attended the meeting. The Assistant Deputy Under Secretary of Defense for Environment, Safety and Occupational Health officially welcomed three new NALEMP partners: the Chilkoot Indian Association of Indians, the Native Village of Atka and the Kenaitze Indian Tribe.

South and Eastern Desk Guide

Military training, archaeological excavations, or other departmental activities may have the potential to impact natural resources or cultural items of interest to tribes. Consultation with federally recognized tribes is a cornerstone of DoD's American Indian and Alaska Native Policy. Many military installations in the southern and eastern United States may find it difficult to locate tribes that were forced to move westward under the Indian Removal Act of 1830.

Funded by the DoD Legacy Program, the Department developed "A Desk Guide to Military Installations and Federally-Recognized Tribes Located in the South and Eastern United States," to assist the military installations and tribal governments located in these areas to establish communication. This guide can also be used by tribes in setting up consultation with military installations. The guide includes brief histories, summaries of installations, and points of contact for both the installations and for the tribes.

DoD Native Hawaiian Consultation

DoD continued to develop a consultation protocol to assist Components operating in Hawaii to meet DoD's consultation responsibilities with Native Hawaiian

Organizations (NHOs). As DoD increases its military training activities in Hawaii, it must find ways to comply efficiently with applicable environmental and cultural resource protection laws and regulations that affect DoD's mission in the State. Consultation plays a key role in compliance with the National Historic Preservation Act, NAGPRA, and American Indian Religious Freedom Act. The consultation protocol, when completed, will assist DoD in meeting its legal consultation obligations to NHOs in a manner consistent with the military mission.

The consultation protocol development process included a series of meetings on the islands of Maui, Hawaii, Oahu, and Kauai. As part of the initiative, DoD began to develop a tailored Native Hawaiian Cultural Communication Course. Senior leaders from DoD will participate in the first training event to be held in early FY2008 at the National Museum of the American Indian, Washington, D.C. Future plans call for the course to be offered to military and civilian personnel living and working in Hawaii.

Tribal Solid Waste Interagency Work Group

The Tribal Solid Waste Interagency Work Group formed in April 1998, and its organization was formalized in April 2000 with a memorandum of understanding (MOU) between the U.S. Environmental Protection Agency (EPA), Bureau of Indian Affairs (BIA), Indian Health Service, U.S. Department of Agriculture (USDA), and DoD. The purpose of the project is to assist tribes by cleaning up and closing non-compliant solid waste sites, and by developing alternative disposal options and integrated solid waste management plans. Since FY1999, the work group has funded approximately \$20.0 million in projects for over 100 tribes. In FY2007, approximately \$1.6 million was made available for projects with 17 tribes.

The DoD Senior Tribal Liaison has been an active work group participant since its inception. DoD contributes to the development of the yearly

solicitation, participates in meetings throughout the review and final selection process, evaluates each tribal proposal according to approved criteria, and reviews NALEMP CAs for commonalities in tribal projects. Through its dedicated participation, the Department has demonstrated its commitment to the cleanup of American Indian and Alaska Native lands. NALEMP, combined with active work group participation, reinforces DoD's role in Indian Country as a proactive federal agency with a solid understanding of its responsibility to tribes and the intergovernmental relationship.

Outreach

DoD has developed relationships with the Veterans Administration, EPA, BIA, and USDA. In FY2007, under the auspices of the White House Office of Intergovernmental Affairs, DoD participated in the White House Indian Affairs Executive Work Group. This task force was formed to improve communications, foster collaborative efforts, and identify opportunities for improvement within the federal government in its efforts to address Native American issues. DoD published articles in the White House newsletter highlighting programmatic success stories.

Annual programmatic outreach is also an integral part of DoD's responsibilities and involves frequent travel to tribal lands to discuss issues of concern to American Indians and Alaska Natives. The DoD Senior Tribal Liaison has visited several NALEMP partners: the Makah Indian Tribal Council, the Leech Lake Band of Ojibwe, and the Cheyenne River Sioux Tribe. To access nationwide tribal constituents, DoD attends annual and mid-year conferences hosted by major tribal organizations such as the National Congress of American Indians, the National Association of Tribal Historic Preservation Officers, the National Tribal Environmental Council, and the Alaska Inter-Tribal Council. These presentations and exhibits provide opportunities for valuable information gathering and exchange.